

02-R. 1970

A RESOLUTION BY

CITY UTILITIES COMMITTEE

A RESOLUTION TO AUTHORIZE PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA) AND THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF SIXTY FIVE THOUSAND FIVE HUNDRED DOLLARS (\$65,500) PURSUANT TO THE FIRST AMENDED CONSENT DECREE, CIVIL ACTION FILE NO. 1:98-CV-1956-TWT; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.

WHEREAS, on February 18, 2003 the Georgia Environmental Protection Division (EPD) and the United States Environmental Protection Agency (EPA) made a written demand on the City for stipulated penalties concerning violations of the First Amended Consent Decree (1:98-CV-1956-TWT); and

WHEREAS, under the First Amended Consent Decree the City is subject to stipulated penalties for sanitary sewer overflows (SSOs) to waters and dry land (for the 3rd quarter 2002); and

WHEREAS, the total amount assessed and demanded by EPD and EPA for these violations is Sixty Five Thousand Five Hundred and 00/100 (\$65,500) as set out in Exhibit "A" hereto; and

WHEREAS, the Department of Watershed Management of the City does not dispute the fact that these violations did occur; and

WHEREAS, the payment to EPD and EPA of this assessment by the City does not constitute a finding or adjudication, is not to be evidence of a violation of state or federal laws by the City, nor does the City by its consent agree to any violations of state or federal laws or admit any liability to any third party or parties; and

WHEREAS, funds for this purpose are available in account number 2J01-529017-M51001; and

WHEREAS, it is deemed to be in the interest of the City to accept the proposed stipulated penalties and to pay the incident assessments to them.

NOW, THEREFORE, BE AND IT IS RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA as follows:

Section One: That the Chief Financial Officer of the City is authorized to issue checks in the amounts of Thirty Two Thousand Seven Hundred Fifty Dollars (\$32,750) payable to the **State of Georgia** and Thirty Two Thousand Seven Hundred Fifty Dollars (\$32,750) payable to the **Treasurer, United States of America** as stipulated penalties imposed pursuant to the First Amended Consent Decree at the discretion of the Environmental Protection Agency and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia; and

Section Two: That the Chief Financial Officer is authorized to pay interest due, if any, on the said stipulated penalties in accordance with the First Amended Consent Decree; and

Section Three: That the said payments be chargeable to Account Number 2J01 529017 M51001.

Exhibit A
Summary of Penalty Demand

First Amended Consent Decree Violations 3rd Quarter 2002	Amount
• 62 unpermitted discharges to waters of the State	
• 53 sewage overflows to dry land	
TOTAL DEMAND	\$65,500